

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC.

SUPREME COURT
No. 08-335-M.P.
No. 09-001-M.P.
[P.C. No. 07-6666]

William Irons

vs.

The Rhode Island Ethics Commission

**MOTION OF OPERATION CLEAN GOVERNMENT, INC. TO PARTICIPATE
AS AMICUS CURIAE IN SUPPORT OF THE RHODE ISLAND ETHICS
COMMISSION**

Now comes Operation Clean Government, Inc., [hereinafter referred to as OCG] by its Attorney, and moves for leave to participate in this cause as *amicus curiae* in support of the Rhode Island Ethics Commission. In support hereof, OCG says:

1. OCG is a domestic non-profit corporation whose by-laws provide that it is a non-partisan grassroots organization that “believes that our state government should be accountable to all the people whom they have elected to serve.” OCG By-Laws (preamble). OCG advocates “strong democratic laws and institutions that will give the public confidence that policies are fairly debated and decided on their merits, and that our common resources are used responsibly in the public interest.” *Id.* “The organization shall promote honest, responsible and responsive state government.” OCG By-Laws, Art. 2. In particular, OCG attempts to achieve its purposes by, inter alia, “[m]onitoring the three branches of government, exposing abuse, corruption and inefficiency, taking legal action when appropriate.” *Id.*

2. This case arises out of a complaint that was filed before the Rhode Island Ethics Commission, In re: William V. Irons, Complaint No. 2004-1. The complainants in

the Irons matter were Robert Arruda, in the capacity as Chair of OCG, and Beverly Clay, in the capacity as Vice Chair of OCG.

3. The Rhode Island Ethics Commission found probable cause to believe that former Sen. Irons, the respondent before the Commission, acted on behalf of the interests of his business client, in a manner inconsistent with the public's right to "full access to their government:" The Commission found probable cause on two counts of OCG's complaint as follows:

1) There exists probable cause that, by his participation in the Senate Corporations Committee's consideration of Pharmacy Freedom of Choice legislation in the 1999 and 2000 legislative sessions, the Respondent participated in a matter in which he had a substantial conflict of interest, in violation of R.I. Gen. Laws sec. 36-14-5(a).

* * *

3) There exists probable cause that, by his participation in the Senate Corporations Committee's consideration of Pharmacy Freedom of Choice legislation in the 1999 and 2000 legislative sessions, the Respondent used his office to obtain financial gain for CVS, his business associate, in violation of R.I. Gen. Laws sec. 36-14-5(d).

Order and Finding of Probable Cause, In re: William V. Irons, Complaint No. 2004-1 (Nov. 15, 2004).

4. This issues in this case are at the core of OCG's mission. The role of the Rhode Ethics Commission – and the question whether the Commission will have the ability to fulfill its constitutional function are of critical importance to OCG, its members, and the public that it seeks to serve. OCG wishes to participate as *amicus curiae* in order to provide this Court with legal argument in favor of the Rhode Island Ethics Commission's authority to enforce the Rhode Island Code of Ethics promulgated pursuant to Article 3, section 8 of the Rhode Island Constitution.

5. OCG's brief as *amicus curiae* on the Rhode Island Ethics Commission's petition for certiorari has been conditionally filed herewith.

WHEREFORE, Operation Clean Government, Inc., prays for leave to participate as *amicus curiae* in this cause.

Respectfully submitted,
OPERATION CLEAN GOVERNMENT, INC.
By its Attorney:

Thomas More Dickinson (No. 2520)
Law Office of Thomas M. Dickinson
1312 Atwood Ave.
Johnston, RI 02919
Tel. 401-490-8083
Fax 401-492-4918
Email: tmd@appealRI.com

Date: March 17, 2009

CERTIFICATION

I hereby certify that the within motion was served upon all parties hereto by mailing a copy, postage prepaid to the address of their counsel of record as follows:

John A. Tarantino, Esq.
Adler, Pollock & Sheehan P.C.
One Citizens Plaza, 8th Floor,
Providence, RI 02903;

Jason Gramitt, Esq.,
Katherine D'Arezzo, Esq.
Rhode Island Ethics Commission
40 Fountain Street
Providence, RI 02903

Thomas R. Bender, Esq.
Hanson Curran LLP
146 Westminster Street
Providence, RI 02903

Thomas More Dickinson (No. 2520)
Law Office of Thomas M. Dickinson
1312 Atwood Ave.
Johnston, RI 02919
Tel. 401-490-8083
Fax 401-492-4918
Email: tmd@appealRI.com

Date: March 17, 2009